

12-20-04

DAC
9200/2683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Sandhu, Kulbir S.; Fan, Roderic C; Mleczko, David M.
Assignee: At Road, Inc.
Title: Mobile Control Apparatus
Serial No.: 09/697,518 Filing Date: October 25, 2000
Examiner: D. Le Group Art Unit: 2683
Docket No.: M-9069 US

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DEC 23 2004

San Jose, California
December 14, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Technology Center 2600

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181

Dear Sir:

Pursuant to 37 C.F.R. § 1.1.81, Applicants hereby petition the Director to withdraw a holding of abandonment in the present application.

On December 9, 2004, Applicants were informed by the Examiner that the present application is deemed abandoned for failure to respond to a Notice of Non-compliant Amendment (37 CFR 1.121) which was mailed on March 3, 2003. Since Applicants did not receive the Notice of Non-compliant Amendment (hereinafter, the "Notice"), Applicants requested the Examiner to send by facsimile a copy of the Notice. A copy of the Notice and its accompanying transmittal page is attached herewith as Exhibit A.

An examination of the transmittal page of the Notice reveals that an error had occurred in the mailing of that Notice; namely, the U.S. Patent Office and Trademark Office mailed the Notice to an invalid address. The address to which the U.S. Patent and Trademark Office

LAW OFFICES OF
MacPherson, Kwok, Chen &
Held LLP
1762 Technology Drive, Suite 226
San Jose, CA 95110
(408) 392-9520
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mailed the Notice is invalid because a Power of Attorney by Assignee of Entire Interest (hereinafter, the "Power of Attorney") was submitted on September 27, 2002, approximately five (5) months before the erroneous mailing. A copy of the Power of Attorney is attached herewith as Exhibit B. As shown in Exhibit B, by the Power of Attorney, the Assignee revoked all previous powers of attorney and requested that all correspondence be sent to:

Edward C. Kwok
MacPherson Kwok Chen & Heid LLP
2001 Gateway Place, Suite 195E
San Jose, CA 95110

When the U.S. Patent and Trademark Office sent the Notice on March 3, 2003, it continued to use an address revoked by the Power of Attorney. As a result, Applicants never received the Notice, and hence could not have responded thereto.

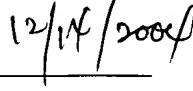
As the failure to respond to the Notice was due to an error by the U.S. Patent and Trademark Office, Applicants respectfully request that the Director withdraw the holding of abandonment and reinstate the present application. A Response to Notice of Non-compliant Amendment, responsive to the unreceived Notice, is submitted herewith.

If the Examiner has any question regarding the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicants at 408-392-9250.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 14, 2004.

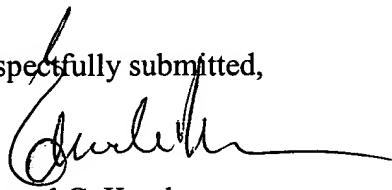


Attorney for Applicant(s)



Date of Signature

Respectfully submitted,


Edward C. Kwok
Attorney for Applicants
Reg. No. 33,938

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Fax

To: Mr. Chen From: Danh Le

Fax: 408 392 9269 Pages: 1

Phone: Phone: 703-306-0542

Re: Date:

• Comments:



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Fax

To: Mr. Kwok Chen From: Danh C. Le
Fax: 408 392 9262 Pages: 2
Phone: Phone: 703 306 0542
Re: Date:
• Comments:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,518	10/25/2000	Kulbir Sandhu	M-9069 US	4496

7590 03/03/2003
Edward C Kwok
 Skjerven MOrrill MacPherson LLP
 25 Metro Drive Suite 700
 San Jose, CA 95110-1349



EXAMINER	LE, DANH C
ART UNIT	PAPER NUMBER 8

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 2023
www.uspto.gov



Paper No. 8

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 21/09/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RESUBMIT THE ENTIRE AMENDMENT):

- 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: _____

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/docom/olia/pbg/sampleaf.pdf>. A condensed version of a sample amendment format is attached.

- PRELIMINARY AMENDMENT:** Unless applicant supplies the omission or correction to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to supply the omission or correction noted above in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Denise Hopkins TC 2600
Legal Instruments Examiner (LIE)

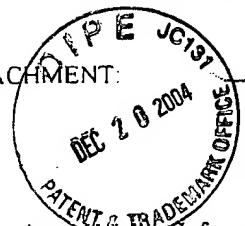
(Rev. 12/01)

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ATTACHMENT:



SAMPLE AMENDMENT FORMAT

Conventional Heading Information
for Amendment Supplied Here (Applicant, Appl. No., etc)

AMENDMENT

Sir:

In response to the Office action of October 10, 2000, please amend the above-identified application as follows:

In the Specification:

Please replace the paragraph beginning at page 5, line 15, with the following rewritten paragraph:

-- In this construction the electric heating elements are positioned directly beneath the iron grid bars and melted fat is carried off in grooves formed in the upper surfaces of the bars. --

In the claims:

Please cancel claim 6.

Please amend claim 7 as follows:

7. (Amended) A griller as claimed in claim 1 wherein the power consumption of the heater element is 1250 watts and the weight of the grill member is about 3.5 kg.

(Page Break)

REMARKS/ARGUMENTS

Claims 1-5 and 7-10 remain in this application. Claim 6 has been canceled. Claim 7 has been amended.

Claims.....

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

SIGNATURE _____

(Page Break)

VERSION WITH MARKINGS TO SHOW CHANGES MADEIn the specification:

Paragraph beginning at line 15 of page 5 has been amended as follows:

In this construction the electric heating elements are positioned directly beneath the iron grid bars and melted fat is carried off in grooves formed in the upper surfaces of the bars.

In the claims:

Claim 6 has been canceled.

Claim 7 has been amended as follows:

7. (Amended) A griller as claimed in claim 1 wherein the power consumption of the heater element is 1250 ~~1600~~ watts and the weight of the grill member is about 3.5 kg.

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